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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,587	10/09/2001	Kelan C. Silvester	INTL-0678-US (P12996)	7106

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EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,587

Applicant(s)

SILVESTER, KELAN C.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 August 2004 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Khamis (US 5,930,729) in view of Logsdon (US 5,890,054) and in view of Stamegna (US 5,797,088).

Consider claim 1. Khamis teaches providing cellular repeaters in a plurality of vehicles (Khamis see especially fig 1). Khamis lacks a teaching of enabling the repeaters to receive and forward transmissions between other mobile users and cellular towers. Logsdon teaches a method of a mobile repeater routing transmissions from other mobile users and cellular base stations (Logsdon see especially fig 1, col 2, line 15 - col 3, line 45). Logsdon teaches that this allows emergency communications to be made even if the user is out of range of the cellular base station (Logsdon col 2, lines 15-25). It would have been obvious to one of ordinary skill in the art to modify Khamis to forward transmissions as taught by Logsdon in order to allow emergency communications even if a particular user is out of range of a base station. Khamis also lacks a teaching of the cellular radio unit being an AM/FM vehicle radio. Stamegna teaches integrating a cellular radio unit into a vehicle AM/FM radio (Stamegna see especially figs 1-3) Stamegna teaches that integrating the cellular unit into the vehicle AM/FM radio allows the cellular unit to utilize the vehicle power and antenna as well as allowing audio muting of the radio during calls and use of the radio display (Stamegna see especially col 2, line 53 – col 3, line 55). It would have been obvious to one of ordinary skill in the art to modify Khamis to integrate the cellular unit into the vehicles

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AM/FM radio in order to allow the cellular unit to utilize the vehicle power and antenna as well as allowing audio muting of the radio during calls and use of the radio display

As to claim 2, note that Khamis's cellular repeater is a vehicle radio.

As to claims 5, and 6, note that Khamis in view of Logsdon bi-directionally transmits with cell towers and other mobile repeaters (Logsdon see col 2, lines 40-45).

As to claim 3, note that Khamis in view of Logsdon makes no provision for the user to intercept the transmissions.

As to claim 4, note that Khamis's vehicle repeater is coupled to the vehicle electrical system to obtain power (Khamis col 10, lines 57-60).

As to claim 7, note that Khamis teaches a vehicle repeater with an amplifier (Khamis see especially fig 4B, items 148,158,179,182).

2. Claims 8-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Khamis in view of Logsdon and in view of Stamegna and in view of Noguchi et al (US 4,764,979).

Consider claims 8,11. Khamis in view of Logsdon and in view of Stamegna teaches everything claimed as shown above except for the structure of the repeater. Noguchi teaches a repeater with a pair of antennas (Noguchi fig 2, items 11,12), circulators (Noguchi fig 2, items 13,14) amplifiers (Noguchi fig 2, items 17,27) and isolators (Noguchi figs 3A-C, items 41,42,44). It would have been obvious to one of ordinary skill in the art to modify Khamis in view of Logsdon and in view of Stamegna to use the circuit arrangement as taught by Noguchi in order to utilize an arrangement that effectively separated the repeated signals.

As to claim 9, Khamis in view of Logsdon in view of Noguchi teach everything claimed including circulators to separate the transmit and receive signals. Noguchi lacks a teaching of using Duplexers to separate the signals. Official Notice is taken that it is notoriously well known in the art to use duplexers to separate transmit and receive signals. It would have been obvious to one of ordinary skill in the art to replace the circulators with duplexers in order to use an effective filter arrangement for separating the signals.

Response to Arguments

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825, after March 2005 the number will change to (571) 272-7887. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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February 1, 2005


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PRIMARY EXAMINER